

which is to put in a quorum call, bring the good people from Chairman McCain's office and from the office of the Senator from California and myself, along with Senator Dodd's, into a discussion to see if we can figure out a way to make this workable.

I am happy to yield the floor.

Mrs. BOXER. I want to engage with my friend. I thank him for his usual willingness.

I want to make a point that I want my friend to understand. This is a very business-friendly amendment, because this amendment says the manufacturer has to determine if a fix is available.

In all the issues my friend raises—well, there is a part over here from that company, and a part over there—the question is, it has nothing to do with liability; it has to do with a fix available for the consumer. If the manufacturer determines there is no fix, because there is little product in inside, and a company is out of business and they can't replace the part, the manufacturer simply says there is no fix available, and then the rest of the bill applies.

Again, I say to my friend, as he said, as he described the fact, of course, the bad actors will be called into court later. We want to avoid that—both my friend and I.

I believe we have so many good actors out there, and my friend cited one of the companies that has really taken care of this problem. I think that is what the Senator from Oregon was talking to me about before when he said you know some of these companies are doing this. Absolutely, they are. We ought to make that the model. We ought to say that is wonderful, you take care of it, and everybody is happy, and there is no lawsuit.

I am hopeful, because I don't see this as complicated. We worked very hard to make it simple. We didn't want to tell the manufacturer, "You can make the fix," if in fact they can't. If they in good faith say, "There is a part inside this mother board, and we can't fix it," then they simply say, "I am sorry, there is no fix available in this circumstance," and then the underlying bill applies.

But we think the leadership by the really good people in this high-tech community ought to be followed. We believe if we don't put this amendment in the bill that those who already have acted in such good faith, in such good business behavior, and such good corporate responsibility to fix the problem and are seriously at a disadvantage, because they scratch their head and say, "You know, I should have waited, maybe I didn't have to do all of this, and people would have decided it is too much of a hassle, I will just throw out my computer and get a new one," I can tell my friend, I bet a lot of people will wind up doing that. That would be unfortunate, if a fix is available.

Whenever the Senator wishes to put in a quorum call, actually our friend from Delaware has been waiting to speak on another very important topic.

Mr. WYDEN. I believe I have the time. I am going to wrap up in 2 minutes, maximum.

Mrs. BOXER. When the Senator yields the floor, the Senator from Delaware will take over, and the Senator from Oregon, Senator McCain, Senator Dodd, and I can meet.

Mr. WYDEN. We are going to have to look at some of these.

The question is, Is a fix available? If we are not careful, that could be a lawyer's full employment program.

My colleague is absolutely right. In Oregon and California, we have access to some of the best minds and most dedicated and thoughtful people on the planet in this area. We should spend some time making sure we can get at this concept the Senator from California wishes to address in a workable way so we don't have more litigation, rather than less. I know the Senator from California shares that goal.

I yield the floor.

Mr. BIDEN. I ask unanimous consent to proceed in morning business for 15 minutes.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

PEACE AGREEMENT

Mr. BIDEN. Mr. President, I rise today to speak of the military technical agreement signed by NATO and Yugoslavia. That is a fancy way for saying that we accepted the surrender of Slobodan Milosevic.

I just got off the phone with the Secretary of State who called me from Germany with another piece of very positive news. She indicated that because the G-8 was meeting in Germany, they put together a group of Europeans to flesh out in detail a Southeastern Europe Stability Pact, which is an idea generated by the German Government.

The objective of that pact is to encourage democratic processes in southeastern Europe, in the Balkans, and to reduce tensions in the area. They have set up a very elaborate but clear timetable, and what they call "regional" tables, to promote democracy, economic reconstruction, and security. They have involved as the lead group the European Union, plus the OSCE, the United Nations, NATO, and to a lesser extent, the United States.

The reason I bother to mention this is that the hard part is about to come. I hope we will have the patience that we did not show on this floor to win the peace. We have won the war, notwithstanding the fact many thought somehow we should be able to do this in less than 78 days.

I think it is astounding that we talked about how this "dragged on." We will probably find that close to 10,000 paramilitary and Serbian troops were killed. Only 2 Americans were lost in a training exercise—as bad as that is. Yet, we began to lose patience, because it wasn't done in a matter of 24 hours.

If we have the patience, we can win the peace, because unlike pursuing the war, the bulk of the financial responsibility, organizational effort, and guidance will come from the Europeans. The European Union will take on the major portion of the responsibility for rebuilding the region, reconstructing the area.

The American people should know that the President of the United States has tasked the Secretary of State to see to it—we will hear phrases such as "mini Marshall Plan"—that the United States of America is not going to bear the brunt of the financial burden in reconstructing southeastern Europe. It is fully within the capacity of the Europeans. It is their responsibility. It is in their interest, and they are prepared to do it.

On the military side, the first part is in place. The Yugoslav Government has capitulated on every single point NATO has demanded. The last several days of discussions between NATO and Yugoslav military commanders were not about negotiation. They were about the modalities of meeting the concessions made by Milosevic's government on every single point NATO demanded. It took some time to work that out.

"Modalities" is a fancy foreign policy word. Translated, it means: How in the devil are they going to leave the country? In what order are they going to leave the country? What unit goes first? When do NATO forces, KFOR, move in so that no vacuum is created? By "vacuum," I mean when there are no Yugoslav forces in Kosovo.

That is what was going on. I got sick of hearing commentators on the air talking about how negotiations were going on between NATO and Milosevic. There were no negotiations. It was a total, complete surrender by the Yugoslavs, as it should have been.

There is now a firm, verifiable timetable for withdrawal of all Yugoslav and Serbian military, and all special police—those thugs who have roamed the countryside in black masks, raping women, executing men, and wreaking havoc on a civilian population. Those thugs—half of whom are war criminals themselves, and should be indicted as such, like Milosevic—are required to leave. The worst of all are the paramilitaries. They all are also required to leave. If they do not leave, they will be killed or forcibly expelled.

As I speak, this withdrawal has begun, although I trust Mr. Milosevic and the Serbian military about as far as I could throw the marble podium behind which the Presiding Officer sits. I am not worried, because even if they default, I am convinced of the resolve of NATO. We will pursue them. General Clark said 78 days ago that we would pursue them and hunt them down. And we did. And we will again, if necessary.

The fundamental goal of NATO's air campaign has been achieved, notwithstanding all the naysayers on this floor, all the talking heads on television, and all the columnists.

There has been an agreement for the return of all internally displaced persons and all Kosovar refugees who fled abroad. This is a monumental achievement, as it involves well over 1 million people. Some commentators have hesitated to call it a victory, but I do not. I understand why they hesitate to call it a victory. They called it a mistake up to now. So why would they call it a victory now?

It is a victory—a victory for NATO, a victory for the United States of America, a victory for Western values, a victory for human rights, and a victory for the rule of law. In personal terms, it is a victory for President Clinton and his administration, which, despite unrelenting and often uninformed criticism that began almost immediately, stayed the course.

I had some tactical disagreements with the way the administration proceeded. I don't think the President should have said at the outset that ground forces were off the table. He had to move back on that and make it clear that everything was on the table. That is susceptible to criticism.

I point out, however, that the President of the United States of America never once wavered on his commitment to do whatever it took to end this ethnic cleansing.

But, above all, it is a victory for the brave fighting men and women of NATO who carried out this air campaign, a majority of whom were Americans. Conversely, it is an unmitigated defeat for an indicted war criminal, the Yugoslav President, Slobodan Milosevic.

Just in case anyone wonders, he did not just become a war criminal. He was already a war criminal in 1993 when I spoke to him. He was a war criminal for his actions in Krajina. He was a war criminal for his actions in Bosnia. He is a war criminal for his actions in Kosovo. Had he not been stopped, he would have continued his vile ethnic cleansing.

By the way, I encourage my colleagues to read the Genocide Convention. I will not take the time now to recount it, but what has been perpetrated by Milosevic in Kosovo is genocide.

Our victory, I suggest, shows that patience and resolve can pay off. It should leave no doubt in the minds of the people throughout Europe and elsewhere in the world of the ability of a unified NATO to achieve its objectives. Now we have to move more swiftly to the second stage of the Kosovo campaign—peace implementation.

I read with some dismay today in the major newspapers that the House of Representatives is considering denying the funds to allow any U.S. participation in the implementation of peace. They seem determined to compound the mistake they made just several weeks ago. The reconstruction of Kosovo, as I said, and confirmed by my conversation with the Secretary of State from Germany a half-hour ago, is

primarily the responsibility of the European Union.

I met with Helmut KOHL, the former Chancellor of Germany, just before the 50th anniversary summit of NATO. We met over at the Library of Congress for the better part of an hour and had a lengthy discussion. He is a very knowledgeable man and until last fall was the longest serving leader in Europe. He pointed out that there were 12 million refugees in Europe after World War II, and that the Europeans were able to handle the problem. He pointed out that the fifteen countries of the European Union have a combined gross domestic product larger than that of the United States of America. Anything remotely approaching a mini Marshall Plan is fully, totally, completely within the financial capability of our European friends, and it is primarily their responsibility. We should and must and will participate. But as I said to the President of the EU, as well as to the chancellor, and as well to every front-line state leader and every leader of the NATO alliance with whom I met, the sharing of the reconstruction burden in southeastern Europe should not be as it is in NATO, roughly 75-25. It should be more like 90-10. It is primarily their responsibility, and they understand they will greatly benefit from a reconstructed and more unified southeastern Europe. I wish them well and hope their initiative will succeed.

This ratio, as I said, should be juxtaposed with the heavy responsibility we bore militarily in the Yugoslav campaign. The overwhelming majority of airstrikes when ordinance was dropped was carried out by our forces, and we have footed the lion's share of the bill. We have done this as the leader of NATO and as the only military power in the alliance capable of shouldering the burden. I do not complain about America's shouldering more of the burden when no one else is capable. But I do and will complain when others are equally or more capable than we are, and they do not take the lion's share of the responsibility. But in this case there is no argument, because the Europeans understand their obligation in economic reconstruction, and they are able and willing to carry it out. As I mentioned, they have already demonstrated the willingness to take the lead by proposing a Stability Pact for southeastern Europe, which at a later date I will discuss in detail. The European Union plan, in my view, should be coordinated with our own ongoing SEED program, which has already accomplished much in economic and democratic reconstruction in the former Communist countries of Central and Eastern Europe.

But the key question is the reconstruction of Serbia. There should be no reconstruction of Serbia as long as an indicted war criminal is Yugoslavia's President, as long as he is on the political scene. Once the Serbian people remove him, the Western World will be ready, willing, and able to come to the

aid of Serbia and do it gladly. I hope that we will have the nerve to arrest Milosevic, send him to the International Criminal Tribunal at the Hague, and God willing, see him convicted. Only then, only when Serb people understand the extent of the atrocities Milosevic is responsible for, will they face up to the harsh reality of what they, quite possibly unintentionally, but nonetheless enabled to happen. It is time to end the perpetuation of the myth that Serbia is a victim.

I do not propose to be able to say exactly when and how Milosevic will leave office, but I predict there will be no Milosevic in power at this time next year. I think his days are numbered for three reasons.

First of all, most Serbian citizens realize if Milosevic had accepted the Rambouillet accords last February, they would have had substantially the same result but without having their country crippled by 11 weeks of bombing.

Second, as the troops return from Kosovo, the word will spread of the horrible casualties the Serbian troops have suffered. They do not know that yet because of the repressive Milosevic regime that manipulates the news. The number of Serbian military, paramilitary and police casualties will, I predict, total nearly 10,000. When the Serbian people learn of this carnage, I predict they will be angry, not merely at NATO but at Milosevic for bringing this upon them. Ten thousand Serbian soldiers and special police were killed, many of them slaughtered in B-52 raids in the last days of the war when Milosevic was stalling on signing the military technical agreement. When the extent of Serbian combat losses sinks in, there will be fury against Milosevic and his cronies.

Third, as KFOR—that is the acronym for the NATO implementation force—occupies Kosovo, I am convinced that every prediction I made here about the atrocities that were taking place will unfortunately be proven correct. You will be stunned at the evidence that will be uncovered of the brutality and the atrocities committed by the Serbians on a mass scale, far greater than the horrible massacres we already know about. These revelations, I believe, will further alienate the many decent Serbs who rallied behind Milosevic as their patriotic duty during the bombing campaign.

We know that KFOR's task will be a daunting one. Millions of mines must be removed. All booby traps must be found and disposed of. And—I do not know how it can be avoided—surely some NATO forces will be killed. I pray to God that this will not happen. I pray to God that KFOR turns out as successful in that category as the military campaign has, but I do not think we can count on that.

All armed locals and irregulars in Kosovo must be intimidated into submission. The KLA must be turned into

a demilitarized police force under civilian control.

All these will be difficult tasks, but I am confident that they can be accomplished if we maintain resolve. Nothing, however, that happens from this point on can detract from the magnitude of the victory we have achieved.

Had President Clinton heeded the call to negotiate with Milosevic, it would have been a disaster.

Had President Clinton heeded the call to stop the bombing, it would have been a disaster.

Had President Clinton heeded the call to run roughshod over our NATO allies and disregard their wishes, the alliance would have fractured and that, too, would have been a disaster. This place, including Democrats, would have run out from under him faster than I can walk from here to the door of the Chamber. It is remarkable how he was able to keep the alliance together. Most importantly, had President Clinton not stayed the course and achieved this victory, our geopolitical position in North Korea, in Iraq, and in many other parts of the world would have suffered grievously. I ask my colleagues to think about what at this moment Saddam Hussein is thinking. Had we listened to those who said: Cease and desist, partition, stop bombing, negotiate with Milosevic, cut a deal—what do you think would be happening in Baghdad now?

But the President did stay the course, and our magnificent fighting men and women performed in an exemplary way. Because we have succeeded in the military campaign, and because we have the ability to succeed in the civilian reconstruction that will follow, the world has seen that the President of the United States, the American people, and a united NATO have the will to respond to crises and successfully defend Western values and interests.

I will be taking the floor again many more times in the following weeks on this issue. I know my colleagues are probably tired of my speaking on this. It has been something I have been discussing since 1990. But we are finally finding our sea legs.

I will conclude by saying that in the case of Kosovo and Yugoslavia, American interests are at stake, the cause is just, the means are available, and the will was present. For Lord's sake, let's not now, out of some misguided sense of isolationism or partisanship, do anything other than finalize this victory and secure our interests.

Think about it: the removal from Kosovo of the Serbian troops means, at a minimum, that Slobodan Milosevic's goons will no longer be able to harass, rob, rape, expel, or kill over a million Kosovars. I believe he has lost his ability to overthrow the Montenegrin Government, and certainly to overthrow Macedonia's government and to fundamentally destabilize Albania, Romania, and Bulgaria. This is a significant accomplishment, but most impor-

tantly, it demonstrates that not only this President, but also the next President, whether he or she is a Republican or a Democrat, is going to be faced with very hard choices. I respectfully suggest that he or she should not underestimate the will, the grit, the patience, or the common sense of the American people. They know what we did was right.

I was in Macedonia. I have been in the region a half a dozen times. I have also had the displeasure of meeting alone for almost 3 hours with Slobodan Milosevic, at which meeting, in early 1993, he asked what I thought of him. I told him then that I thought he was a damn war criminal and should be tried as such. He looked at me as if I had said, "Lots of luck in your senior year." It did not phase him a bit. Even some of my staff said as we were leaving: You said that to a President of a country.

I said: I don't care. He is a war criminal.

The justification of what we did was best summed up on my last trip a few weeks ago. I was sitting in the airfield outside of Skopje in Macedonia. I walked into a tent where there were about 15 young Americans ranging in age from 18 to 30, all noncommissioned officers. They were the crew that was gathered together from all over the world to make that airfield compatible for our Apache helicopters and for the large C-130s that were flying in with food deliveries.

I walked in, and we started talking. They were taking a break. We were sitting on cots. I thanked them for what they were doing. I said: You know, I am getting a lot of heat back home. Some of my colleagues, including some of my seatmates, refer to this as "Biden's war." Some of my friends are telling me this is another Vietnam. What are you guys—there was actually one woman—what do you all think about that? Do you think this is another Vietnam?

One, I believe a sergeant about 24 years old, looked at me and answered: Senator, let me ask you a question. When you were 24 years old, if they had called you up and sent you here, would you have had any doubt about the justice of what you were doing?

All of a sudden it became clear to me. They had no doubt. Our young fighters have no doubt about the justness of what they have undertaken. They knew it was right. We did the right thing.

I pray to God that we have the courage and the patience and the ability to resist our partisan instincts on both sides and stay the course. Because if we do, we can bend history just a little, but bend it in a way that my grandchildren will not have to wonder about whether or not they will have to fight in Europe in the year 2020 or the year 2025.

I congratulate the Senate for, at the end of the day, every day, having done the right thing in this war. I congratu-

late the President and his administration for having had the political courage to stay the course. I plead with my colleagues in the House to do the right thing.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Y2K ACT

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, I have to rise to express my frustration with our current circumstances. I have been doing all I could to assure that we could bring this bill to closure.

We agreed to a limited number of amendments. We agreed to time limits on those amendments. We have agreed to try to accelerate the consideration of this bill in every way, shape, and form. Now we are told we cannot have a vote on final passage until Tuesday.

That is totally inexplicable. We have been told over and over and over again this bill is so important and time-sensitive. We have been told it cannot wait. We have been told we cannot take up other legislation because we do not have time.

We have been on this bill for a couple of days. We have addressed every concern Senators have raised. We have offered amendments. We have no reason this bill could not be completed today—no reason at all.

It is very hard for me to understand why, after all of this effort to bring us to this point, to have completed our work on the bill, we cannot bring this bill to closure, we cannot move on to other legislation. There is just no reason for it.

I am very disappointed. It is very hard to ask my colleagues day after day to cooperate, day after day to try to figure out a way to complete work on bills, and then be told: Well, we have changed our mind. We don't want to complete work on a bill. We are going to bump this bill into next week. And, by the way, we are going to make up reasons to have votes.

That is not the way to run the Senate. It is not the way to do business. It makes it very difficult to go back to colleagues and say: Now we have changed our mind again. We are going to try to finish this bill in 2 days. We are going to try to take something else up and work it through, but we want your cooperation.

That is unacceptable. I do not know why we cannot have the final vote. I do not know why we cannot finish the legislation. I do not know why we cannot find a way to resolve all the other outstanding issues there are with regard to this bill this afternoon. We can do it this afternoon. It is only 2 o'clock.